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**ABB Inc.****29801 Euclid Avenue  
Wickliffe, OH 44092 USA****RECEIVED  
CENTRAL FAX CENTER****APR 16 2008****Fax****Attention: Mail Stop Appeal Brief - Patents  
Examiner Terrence Willoughby****From: Michael Prewitt****Fax number: 571-273-8300****Fax number: 440-585-7578****No. pages incl. this cover sheet: 3****Telephone number: 440-585-7826****Date: April 16, 2008****If there is any problem during this transmission, please call Michael Prewitt.****Original: Held on File** **Follows by Mail** **Follows by Courier** **MESSAGE:****RE: U.S. Patent Application No. 10/705,645****Attached, please find a Response to the Notification of Non-Compliant Appeal Brief.**

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APR 16 2008  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jeffrey L. McElray, Sr. et al.  
Assignee : ABB Technology AG  
Serial No.: 10/705,645 Art Unit: 2836  
Filed: November 10, 2003 Confirmation No.: 6138  
Title: ADAPTIVE PROTECTION FOR RECLOSER CONTROL  
Examiner: Terrence Ronique Willoughby Docket No.: B000291

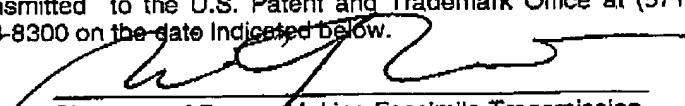
Response to Notice of Non-Complaint Appeal Brief

Mail Stop: Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Notification of Non-Compliant Appeal Brief dated April 10, 2008, the Applicant hereby submits the following amended "Status of the Claims" section. Though none are believed due, in the event the foregoing communication requires a fee, please charge the same to our Deposit Account No. 050877.

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at (571) 273-8300 on the date indicated below.

  
Signature of Person Making Facsimile Transmission

4/16/08  
Date

Michael Prewitt  
Name

Please replace the prior version of the "Status of the Claims" section with the following:

### **III. Status of the Claims**

Claims 1-3, 6, 8, 10, 13, 15-17, 19, 36-40, 42, and 43 are currently pending in the application. Claims 4, 5, 7, 9, 11, 12, 14, 18, 20-35 and 41 are cancelled. Claims 1-3, 6, 8, 10, 13, 15-17, 19, 36-40, 42, and 43 have been finally rejected and form the basis of this appeal. The Claims Appendix includes a clean copy of claims 1-3, 6, 8, 10, 13, 15-17, 19, 36-40, 42, and 43.

Respectfully submitted,

ABB Technology AG

By: 

Michael C Prewitt, Reg. No. 60526

4/16/2008

c/o ABB Inc.  
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